

REMARKS

Claims 1-3, 10-13, and 19-24 were rejected under 35 U.S.C. §102(e) as being anticipated by US Pat. 6,890,419 (Smith et al.) The effective date of the Smith et al. patent as a reference is March 12, 2003. The priority date of the present application is March 13, 2003, the filing date of the inventors' provisional patent application no. 60/454,932. Enclosed is a Sec. 132 declaration by the undersigned, the inventors' patent attorney, submitting the metadata of the computer file of this provisional application, showing that the provisional application was in its final form on March 3, 2003, prior to the date of the Smith et al. patent. After March 3 the inventors reviewed the final form of their patent application and then gave their approval to file the provisional application, which was done on March 13, 2003. The Examiner can see that the 60/454,932 provisional application is identical to the completed application 10/791,509 of this case except that the first two lines of the specification have been amended to refer to the provisional application and the informal drawings have been replaced with formal drawings. Thus it can be seen that the present inventors were in possession of the subject matter of their claimed invention prior to March 12, 2003. The enclosed Sec. 131 declaration by the present inventors declares their prior invention with reference to the evidence of the Sec. 132 declaration. It can also be seen that a fuel cell is only mentioned in passing in column 18 of the Smith et al. patent and that there is no mention of the fuel cell in any of the claims. Consequently it is respectfully submitted that the applicants have met the

requirements of 35 U.S.C. §1.131 and it is therefore respectfully requested that the Smith et al. patent be removed as a reference in this application.

With Smith et al. having an effective date after the present inventors were in possession of the subject matter of their invention, it is respectfully requested that the rejection of Claims 1-3, 10-13, and 19-24 under 35 U.S.C. §102(e) be withdrawn.

Claims 4-9 and 14-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Smith et al. patent in view of US Pat. 7,005,206 (Lawrence et al.) With the Smith et al. patent removed as a reference, it is respectfully submitted that this rejection can no longer stand. Furthermore, the present invention is directed to an ultrasonic diagnostic imaging system probe with a fuel cell and a source of fuel for the fuel cell, a handheld ultrasonic diagnostic imaging system with a fuel cell and a source of fuel, and an ultrasonic diagnostic imaging system with a fuel cell and a source of fuel. Lawrence et al. is directed to a fuel cell assembly for consumer electronics products such as mobile telephones, portable computers, and PDAs as mentioned in column 3 of the Lawrence et al. patent. A fuel cell would not logically commend itself for use with medical instruments due to concerns for patient and medical personnel safety in a hospital or similar setting, nor would the devices and configurations in which a fuel cell would be best applied. The present inventors have addressed these issue in their inventive devices by thinking through the configurations of ultrasound probes and systems, including probes (Claims 1-9), handheld systems (Claims 10-19) and cart-borne and tabletop systems (Claims 20-24) which can safely and effectively benefit

from fuel cell technology, none of which is found in Lawrence et al. For all of these reasons it is respectfully submitted that Claims 4-9 and 14-18 are patentable over Lawrence et al.

The claims have been amended to correct a typographical error and to put the claims into the familiar US claim form.

In view of the above evidence and remarks, it is respectfully submitted that Smith et al. should be withdrawn as a reference, that the obviousness rejection can no longer stand, and that the present claims are patentable over Lawrence et al. Accordingly it is respectfully requested that the rejection of Claims 1-3, 10-13, and 19-24 under 35 U.S.C. §102(e) and of Claims 4-9 and 14-18 under 35 U.S.C. §103(a) be withdrawn.

In light of the foregoing amendment and remarks, it is respectfully submitted that this application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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